

Sovereign Land Permit No. S-1951

Permittee: **Dakota Access, LLC**
1300 Main Street
Houston, TX 77002

Location: **N ½ of Section 10 and N ½ of Section 11, Township 134 North, Range 79 West, Morton and Emmons Counties.**

Project Description:

The Permittee is hereby authorized to install a welded steel crude oil pipeline beneath the bed of Lake Oahe (Missouri River) in Morton and Emmons Counties via horizontal directional drilling (HDD).

The project will involve installing approximately 8,250 lineal feet of 30-inch diameter welded steel pipe beneath Lake Oahe (horizontal distance: 7,500 feet) via HDD. Approximately 1,150 lineal feet of the bore will occur a minimum of 92 feet below the bed of the Missouri River within Lake Oahe. The beginning and end points of the bore will be located on private land approximately 960 feet and 1,170 feet from the east and west full pool (1,620 feet msl) shore line of Lake Oahe respectively. Block valves will be installed on each side of the crossing.

Prior to being put into service, the pipeline will be subjected to inspection and testing to verify its integrity and compliance with specifications, including hydrostatic pressure testing, checking coating integrity, and X-ray inspection of welds. In addition to the testing and inspection measures, the Permittee will utilize a supervisory control and data acquisition (SCADA) system to provide constant remote oversight of pipeline facilities during operation. Power for the SCADA system will be provided from an existing power grid with a backup system in case of power failure. Communication with the SCADA system will be accomplished via satellite and telephone to the Operations Control Center in Sugarland, Texas with a backup control room in Bryan, Texas.


The Permittee will also maintain emergency response equipment and personnel at strategic locations along the pipeline route. Personnel will be trained to respond to pipeline emergencies as well coordinate and conduct drills with local emergency responders.

This authorization is subject to the conditions listed below and to the attached North Dakota Department of Health "Construction and Environmental Disturbance Requirements." Any other use of sovereign land is prohibited. Any proposed additional use must comply with the application and permitting process and all other requirements of state law.

General Conditions

1. Authorization of this undertaking is a privileged use of a public resource and does not constitute a property right. The public use and enjoyment of the Missouri River is of high priority.
2. All construction, testing, operation, maintenance, and reclamation activities shall be carried out in a manner reasonably designed to prevent degradation of the Missouri River.
3. The Permittee shall install and utilize a SCADA system to provide constant remote oversight of pipeline facilities during operation.
4. The Permittee shall maintain emergency equipment and personnel at strategic locations along the pipeline route.
5. The Permittee shall implement measures to minimize the opportunity for sediment to enter the Missouri River during construction.
6. The Permittee shall comply with the North Dakota Department of Health's *Construction and Environmental Disturbance Requirements* (copy attached).
7. No work shall be conducted within the waters of the Missouri River from April 15 to June 1 in order to protect fishery resources.
8. The Permittee shall comply with all state regulations with regard to the prevention of introduction of Aquatic Nuisance Species (ANS) into the state's waters. The Permittee shall contact Ms. Jessica Howell, ANS Biologist, North Dakota Game and Fish Department at (701) 253-6480 to schedule an inspection of all vehicles and equipment a minimum of 72 hours prior to those items being launched or placed in the Missouri River.
9. Any construction debris or excess material shall be disposed of in a non-wetland, non-timbered upland site or in an approved landfill.
10. Any disturbed areas shall be revegetated with species native to the area.
11. Prior to or during construction, if items of substantial archeological value are discovered or a deposit of such items is disturbed, the Permittee shall cease construction activities in the area so affected. The State Engineer shall be promptly notified of the discovery, and construction will not resume until the State Engineer gives written permission.
12. This Authorization is site specific for the project as proposed and outlined in the application and supporting documents. Any changes or deviation from the site or design will need authorization from the State Engineer.

13. At the discretion of the State Engineer, in accordance with the exercise of any of the State Engineer's duties, the project is subject to modification or removal at the expense of the Permittee.
14. The State Engineer or the State Engineer's representative shall have access to inspect the authorized project during construction and associated activities and for the life of the project to ensure that it is being or has been accomplished and maintained in accordance with the terms and conditions of this Authorization.
15. The Permittee is responsible for obtaining any other local, state, or federal permits or approvals that may be necessary prior to construction.
16. By granting this Authorization, no liability for damages of any kind, including those caused by improper construction, operation and maintenance, design or failure in design, materials, or workmanship, is assumed by or transferred to the State of North Dakota, the State Engineer, the State Water Commission or any of their respective employees, agents, or assigns. The Permittee will indemnify and hold harmless the State of North Dakota, its officials, employees, agents, boards, commissions, and assigns for any and all liability for work performed and action taken under this Authorization.



Todd Sando
State Engineer

Date: 4/1/16



NORTH DAKOTA
DEPARTMENT OF HEALTH

ENVIRONMENTAL HEALTH SECTION

1200 Missouri Avenue
P.O. Box 5520
Bismarck, North Dakota 58506-5520
Fax #701-328-5200

Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

Surface Waters

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

Fill Material

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.